

**FORTY-EIGHTH LEGISLATIVE DAY**

The House met at 1:00 p.m. and was called to order by Mr. Speaker McWherter.

The proceedings were opened with prayer by Reverend Glenn Evans, United Methodist Board of Discipleship, Nashville, Tennessee.

Representative Longley led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present ..... 95

Representatives present were: Ashford, Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), DeBerry, DePriest, Dixon, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Good, Hall, Henry, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, King, Lanier, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Martin, Miller, Moore, Murphy (Davidson), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Sterling, Tanner, Turner, Wallace, Watson, Webb, Williams, Withers, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter — 95.

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to return to the House, House Bills Nos.

- 1520 — To repeal Chapter 59, Acts of 1801;
- 1521 — To repeal Chapter 62, Acts of 1859;
- 1522 — To repeal Chapter 489, Private Acts, 1933;
- 1524 — To amend Chapter 8, Acts of 1806;
- 1525 — To repeal Chapter 63, Private Acts, 1911;
- 1526 — To repeal Chapter 61, Private Acts, 1919;
- 1527 — To repeal Chapter 71, Private Acts, 1951;
- 1528 — To repeal Chapter 35, Acts, 1875;

1529 — To repeal Chapter 532, Private Acts, 1945;

1530 — To repeal Chapter 510, Private Acts, 1933; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

### MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to request the return of House Bills Nos. 1520, 1521, 1522, 1524, 1525, 1526, 1527, 1528, 1529, and 1530, for further consideration.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

On motion, House Bills Nos. 1520, 1521, 1522, 1524, 1525, 1526, 1527, 1528, 1529 and 1530 were returned to the Senate as requested.

### LOCAL BILLS REFERRED TO CALENDAR AND RULES

In accordance with Rule No. 47, the following local bills, having recieved authorization for passage by the local legislative delegation, were transmitted to the Committee on Calendar and Rules: House Bills Nos. 1553, 1554, and 1587.

### CALENDAR

Mr. Davidson (Wayne) moved that Senate Bill No. 842 be placed on the Calendar for Wednesday, February 1, 1978, which motion prevailed.

### STANDING COMMITTEE REPORT

#### GENERAL WELFARE

MR. SPEAKER: Your Committee on General Welfare begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 1559 (with amendment), 1563 (with amendment) 1591 (with amendment) and 1610.

GILL, Chairman.

Under the rules, House Bills Nos. 1559, 1563, 1591 and 1610 were transmitted to the Committee on Calendar and Rules.

Mr. Jensen moved that the 48 hour rule be suspended for tomorrow's calendar, which motion prevailed.

### REPORT OF COMMITTEE ON CALENDAR AND RULES

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Thursday, January 19, 1978: House Bills Nos. 1610, 1563, 1591, 1559, 1545, 1566, 1567, 1568 and House Joint Resolution No. 196.

LANIER, Chairman.

UNFINISHED BUSINESS

Mr. Withers moved that a Speaker pro tem be elected under Rule No. 8, which motion prevailed.

Mr. Withers nominated the Honorable Harper Brewer of Shelby County.

RECESS

On motion of Mr. Burnett (Fentress), the House recessed for twenty minutes.

The recess having expired, the House was called to order by Mr. Speaker McWherter.

On motion, the roll call was dispensed with.

Mr. Withers withdrew his nomination of Mr. Brewer for Speaker pro tem.

Mr. Burnett (Fentress) nominated the Honorable Harper Brewer of Shelby County for Speaker pro tem.

Mr. Jensen seconded the nomination of Mr. Brewer.

Mr. Martin seconded the nomination of Mr. Brewer.

Mr. Burnett (Fentress) moved that nominations cease, and that Mr. Brewer be elected by acclamation, which motion prevailed.

Mr. Speaker McWherter declared the Honorable Harper Brewer duly elected Speaker pro tem of the House of Representatives.

FURTHER CONSIDERATION OF  
MOTION TO AMEND HOUSE RULES

Mr. Burnett (Fentress) moved to amend the House Rules as follows:

Amend Rules of Order of the House of Representatives by deleting Rule No. 75 in its entirety and inserting the following new rule.

75. ACTION ON BILLS INTRODUCED AFTER MONDAY, JANUARY 30, 1978.

All general bills introduced after Monday, January 30, 1978, shall be referred by the Speaker to the appropriate committee, there to be held for the remainder of the session unless a bill be called for by a two-thirds majority of the members to which the body is entitled under the Constitution, in which case it shall be placed in the next available position on a calendar for a succeeding day. Should such a bill be recalled from committee in the manner provided above on the final day of the session, it shall then be placed at the foot of the calendar on that day. All bills to be introduced on Monday, January 30, 1978 must be filed with the Clerk before midnight, Friday, January 27, 1978.

The provisions of the preceding paragraph governing bills introduced after January 30, 1978 may be waived with respect to a general bill of local application which has the support of the local delegation adequate to meet the requirements of the local unit rule on file with the

Chief Clerk of the House or a bill to correct a typographical error in an earlier bill or an earlier enactment by unanimous consent of the Committee on Delayed Bills composed of the Speaker, the Majority Leader and the Minority Leader. The committee shall meet at the call of the Speaker. After a bill has received the unanimous consent of the Delayed Bills Committee and has been introduced and has passed second reading in accordance with the Constitution of the State of Tennessee and with the Rules of Order of the House of Representatives, such a bill shall be referred by the Speaker to the appropriate committee as required by Rule No. 46.

On motion, the amendment to the House Rules was adopted.

A motion to reconsider was tabled.

### RESOLUTIONS LYING OVER

Senate Joint Resolution No. 123 — Relative to congratulating Coach Ken Dugan and David Lipscomb College baseball team.

Under the rules, Senate Joint Resolution No. 123 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 124 — Relative to commending members on the Tennessee Code Commission.

Under the rules, Senate Joint Resolution No. 124 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 125 — Relative to memory, Kirby O. Primm, Sr.

Under the rules, Senate Joint Resolution No. 125 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 126 — Relative to congratulating Juvenile Court Judge Richard Jenkins.

Under the rules, Senate Joint Resolution No. 126 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 127 — Relative to commending Dr. Alvin Herborg Nielsen.

Under the rules, Senate Joint Resolution No. 127 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 143 — Relative to memory, John K. Long, Jr.

Under the rules, Senate Joint Resolution No. 143 was referred to the Committee on Calendar and Rules.

### MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.

1118 — To make certain provisions, gasoline privilege taxes; substituted for Senate Bill on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No.

1503 — To repeal Chapter 567, Acts of 1909; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos.

147 — Relative to recess, Senate, General Assembly;

148 — Relative to adjournment, Senate and House, General Assembly; both adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos.

128 — Relative to commending Mr. David Burnett;

129 — Relative to honoring Judge C. S. Carney;

130 — Relative to honoring William C. Weaver, Jr.;

131 — Relative to honoring Colonel R. McDonald Gray;

135 — Relative to commending Sandra Clark;

136 — Relative to memory, Gilbert V. White;

138 — Relative to commending Mr. Anthony A. Seaton; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

Mr. Burnett (Fentress) moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 147, which motion prevailed.

Senate Joint Resolution No. 147 — Relative to recess, Senate, General Assembly.

On motion of Mr. Burnett (Fentress), the resolution was concurred in.

A motion to reconsider was tabled.

Mr. Martin moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 290 out of order, which motion prevailed.

House Joint Resolution No. 290 — Relative to honoring Edward W. “Ed” Ray of Memphis — By Martin, Williams Sterling, Ford (Cocke), Turner, Byrd, Spence, Moore, DeBerry, Gaia, Ford (Shelby), Ashford, Withers, Gill, Murphy (Shelby), Brewer and Mr. Speaker McWherter.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Martin, the resolution was adopted.

A motion to reconsider was tabled.

SECOND ROLL CALL

A roll call was taken with the following results:

Present ..... 98

Representatives present were: Ashford, Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Dixon, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Good, Hall, Henry, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, King, Lanier, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Martin, Miller, Moore, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Sterling, Tanner, Turner, Wallace, Watson, Webb, Williams, Withers, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter — 98.

INTRODUCTION OF RESOLUTION

House Joint Resolution No. 277 — Relative to Milan High football team champions — By Fuqua, Lashlee, Murray (Madison), Lanier, Naifeh, Stallings, Hillis, Bishop, Davidson (Wayne), Wallace, Wolfe, Tanner, Butler, Henry and Mr. Speaker McWherter.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Fuqua, the resolution was adopted.

A motion to reconsider was tabled.

INTRODUCTION OF BILLS

House Bill No. 1617 — To make certain provisions, Health Maintenance Organizations — By Murphy (Davidson).

Passed first reading.

House Bill No. 1618 — To make certain provisions, Sanitary Landfill Areas — By Robertson.

Passed first reading.

WEDNESDAY, JANUARY 18, 1978 — 48TH LEGISLATIVE DAY

House Bill No. 1619 — To make certain provisions, county election commissions — By Chiles and Robinson (Davidson).

Passed first reading.

House Bill No. 1620 — To amend Section 56-322, Code — By Chiles.

Passed first reading.

House Bill No. 1621 — To make certain provisions, wildlife resources commission — By Lashlee, Fuqua and Ellis.

Passed first reading.

House Bill No. 1622 — To make certain provisions, Department of Revenue, criminal records of applicants — By Blackburn, Naifeh, Davidson (Robertson) DeBerry, Hood and Yelton.

Passed first reading.

House Bill No. 1623 — To make certain provisions, county receiving homes — By Blackburn, Hood and Yelton.

Passed first reading.

House Bill No. 1624 — To make certain provisions, operator's or chauffeur's license — By Blackburn, Burnett (Fentress), Hood and Yelton.

Passed first reading.

House Bill No. 1625 — To transfer regulation of parking zones to Department of Transportation — By Blackburn, Burnett (Fentress), Hood and Yelton.

Passed first reading.

House Bill No. 1626 — To make provisions, trespass on construction sites — By Blackburn, Hood and Yelton.

Passed first reading.

House Bill No. 1627 — To make certain provisions, wildlife resources — By Wallace, Fuqua, Stallings, Ashford, Moore and Lashlee.

Passed first reading.

House Bill No. 1628 — To enact Sunshine Test Act — By Ozment.

Passed first reading.

House Bill No. 1629 — To amend Section 56-808, Code — By Longley.

Passed first reading.

**House Bill No. 1630 — To amend Section 56-810, Code — By Longley.**

**Passed first reading.**

**House Bill No. 1631 — To amend Section 56-815, Code — By Longley.**

**Passed first reading.**

**House Bill No. 1632 — To make provisions, retirement age, state attorneys — By Longley.**

**Passed first reading.**

**House Bill No. 1633 — To make provisions, unclaimed property — By Bragg, Darnell, Jensen, Copeland, Elkins, Rhinehart, McKinney, DePriest, Work and Davidson (Robertson).**

**Passed first reading.**

**House Bill No. 1634 — To prevent state funding of any election on March 7, 1978. — By McKinney, Withers, Moore, Gill, Work, Buck, Burnett (Sumner), Davidson (Robertson), Robinson (Davidson), Rhinehart, Ellis, Bussart, Bell, Pruitt, Burks, DePriest, Clark, Fleming, King and Brewer.**

**Passed first reading.**

**House Bill No. 1635 — To regulate taxes on territory newly annexed — By Richards, Scruggs, Henry, Hall, Smith, Carter, Robinson (Washington), Good and Jensen.**

**Passed first reading.**

**House Bill No. 1636 — To make provisions, hearings on parole violations — By Burnett (Fentress).**

**Passed first reading.**

**House Bill No. 1637 — To make provisions, merchandise manufactured by prisons — By Burnett (Fentress).**

**Passed first reading.**

**House Bill No. 1638 — To make provisions, definition of home placement — By Burnett (Fentress).**

**Passed first reading.**

## **MOTIONS**

**On motion of Mr. Ellis, House Bill No. 1375 was recalled from the Committee on Commerce.**

**On motion of Mr. Ellis, House Bill No. 1375 was withdrawn from the House.**

**On motion of Mr. Ellis, House Bill No. 849 was recalled from the Committee on Transportation.**



**WEDNESDAY, JANUARY 18, 1978 — 48TH LEGISLATIVE DAY**

On motion of Mr. Ellis, House Bill No. 849 was withdrawn from the House.

On motion of Mr. King, House Bill No. 770 was recalled from the Committee on Commerce.

On motion of Mr. King, House Bill No. 770 was withdrawn from the House.

On motion of Mr. King, House Bill No. 771 was recalled from the Committee on Commerce.

On motion of Mr. King, House Bill No. 771 was withdrawn from the House.

#### **SPONSORS ADDED**

Without objection, the rules were suspended to allow the following members to add their names as sponsors to the bills as indicated below, the prime sponsor of each having agreed to such addition:

House Bills Nos. 1556, 1557 — Cawood.

House Bill No. 727 — Davis.

#### **MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to transmit to the House, Senate Bills Nos.

1521 — To amend Section 2-1806, Code;

1626 — To revise and codify, general and public statutes; both passed by the Senate.

**CLYDE W. McCULLOUGH, JR.,**  
Chief Clerk.

On motion of Mr. Burnett (Fentress), the House adjourned until 10:00 a.m. tomorrow.